



## Texas Department of Insurance

### Division of Workers' Compensation

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## Memorandum

**To:** Workers' Compensation System Participants

**From:** Texas Department of Insurance, Division of Workers' Compensation

**Date:** September 1, 2011

**Subject:** Rulebook Supplement 2011-03 Available Online for Amended 28 TAC §133.306; §134.802 and New §§134.800, 134.801, and 134.803 - 134.808; and New §137.5 Regarding Interlocutory Orders for Medical Benefits; Insurance Carrier Medical Electronic Data Interchange (EDI) Reporting; and Case Manager Certification Respectively

The Texas Workers' Compensation Rulebook Supplement 2011-03 containing rules adopted by the Commissioner of Workers' Compensation is available online from the Texas Department of Insurance, Division of Workers' Compensation (TDI-DWC). The supplement can be printed from the TDI website at <http://www.tdi.texas.gov/wc/rules/supplements.html>.

The rule supplements are provided as a courtesy by the TDI-DWC. While the TDI-DWC makes every effort to ensure the accuracy and completeness of this information, the official version of proposed and adopted rules are those filed with the Secretary of State, which is the official repository of TDI-DWC rules. The rules can be accessed directly from the Texas Register, Office of Secretary of State website at <http://www.sos.state.tx.us/texreg/index.shtml>. With respect to the supplements, the TDI-DWC makes no warranty as to their accuracy, completeness, reliability, and/or timeliness.

Rulebook Supplement 2011-03 contains amended 28 Texas Administrative Code (TAC) §133.306; §134.802 and new §§134.800, 134.801, and 134.803 - 134.808; and new §137.5 regarding Interlocutory Orders for Medical Benefits; Insurance Carrier Medical Electronic Data Interchange (EDI) Reporting; and Case Manager Certification respectively. These rules are all effective September 1, 2011.

Amended 28 TAC §133.306 was adopted on December 3, 2010 and was published in the December 17, 2010 issue of the Texas Register (35 TexReg 11340). The purpose of this adoption is to safeguard delivery of medications to injured employees through the clarification of the process in which the TDI-DWC may enter medical interlocutory orders in certain situations pertaining to the delivery of pharmaceuticals as they relate to 28 TAC §134.500 and §134.506 and New §§134.510, 134.520, 134.530, 134.540, and 134.550 regarding the Pharmacy Closed Formulary which were adopted on December 3, 2010. These rules were published in the December 17, 2010 issue of the Texas Register (35 TexReg 11344) and effective January 17, 2011. The DWC Form-064, *Medical Interlocutory Order Request: Continued Use of a Drug Previously Prescribed and Dispensed and Excluded from the TDI-DWC's Closed Formulary*, was revised to conform with these adopted rules and is available for download from the TDI website at <http://www.tdi.texas.gov/forms/dwc/dwc064mio.pdf>.

Amended 28 TAC §134.802 and new §§134.800, 134.801, and 134.803 - 134.808 were adopted on June 20, 2011 and were published in the July 1, 2011 issue of the Texas Register (36 TexReg 4136). The purpose of these rules is to implement the requirements of Texas Labor Code §413.007 and §413.008 and improve insurance carriers' understanding of the requirements associated with reporting medical charges and payment data pursuant to these statutes. Texas Labor Code §413.007 requires the TDI-DWC to maintain a statewide data base of medical charges, actual payments, and treatment protocols to be used to adopt medical policies and fee guidelines and administer the medical policies, fee guidelines, or rules. These adopted rules require insurance carriers to submit information to the TDI-DWC to populate the data base. The adopted rules codify the existing TDI-DWC medical EDI reporting requirements with minimal changes to the current technical infrastructure associated with medical EDI reporting.

These rules adopt by reference the IAIABC EDI Implementation Guide for Medical Bill Payment Records, Release 1.0, dated July 4, 2002 which is published by the International Association of Industrial Accident Boards and Commissions.

These adopted rules also adopt by reference the Texas EDI Medical Difference Table, Texas EDI Medical Data Element Edit Table, and Texas EDI Medical Data Element Requirement Table. These tables are published by the TDI-DWC and are available on the TDI website at <http://www.tdi.texas.gov/wc/edi/index.html#med911>.

The DWC EDI-02, *Insurance Carrier or Trading Partner Medical EDI Profile*, and EDI-03, *Medical EDI Compliance Coordinator and Trading Partner Notification*, are new forms related to these adopted rules and are available for download from the TDI website at <http://www.tdi.texas.gov/forms/form20numberic.html>.

New 28 TAC §137.5 was adopted on December 6, 2010 and was published in the December 17, 2010 issue of the Texas Register (35 TexReg 11378). The purpose of this adoption is to establish certification standards for case managers used by insurance carriers for non-network workers' compensation claims. The new rule clarifies that case managers are required to be certified, provides credentialing requirements, specifies the limitations of when skilled, non-certified case managers are allowed to provide case management services, requires insurance carriers be responsible for verifying and documenting compliance with the rule, and reiterates that claims adjusters are prohibited from being used as case managers.

To purchase a hard copy of this rulebook supplement or a complete set of the Texas Workers' Compensation Act and TDI-DWC Rules, contact the TDI-DWC Publications at 512-804-4240.

If there are any questions regarding the information in this memo, contact the Workers' Compensation Counsel at 512-804-4703 or [rulecomments@tdi.state.tx.us](mailto:rulecomments@tdi.state.tx.us).